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February 4, 2011

## VIA ECF

Honorable Joseph F. Bianco, U.S.D.J.  
United States District Court  
Eastern District of New York  
100 Federal Court Plaza  
Central Islip, New York 11720

**Re: *Blakeman v. The Walt Disney Company, et al.***  
**Case No. 08 Civ. 03212 (JFB)**

Dear Judge Bianco:

I represent the defendants in the referenced case. On May 12, 2010, I filed a motion for attorneys' fees (*see* Docket Entries 80-82) on behalf of several of the defendants based on their status as prevailing parties with respect to plaintiff Bradley Blakeman's claim for copyright infringement, which the Court had previously dismissed. Both Mr. Blakeman, now acting *pro se*, and his former counsel, Todd Rubenstein, responded to the motion by filing letters with the Court in which they asserted, *inter alia*, that the motion for attorneys' fees was untimely and that the requested relief was not warranted (*see* Docket Entries 83, 86). The undersigned filed correspondence responding to the points made in each of Messrs. Blakeman and Rubenstein's letters (*see* Docket Entries 84-85).

On June 3, 2010, I filed a Reply Declaration in support of the attorneys' fees motion in which I stated, "Assuming that the Court considers the Rubenstein and Blakeman letters to constitute plaintiff's opposition to the motion for attorneys' fees, I request that the Court consider the points raised in my previous letters responding to the Rubenstein and Blakeman letters as the Moving Defendants' Reply in support of their motion" (*see* Docket Entry 87). Mr. Blakeman filed a letter responding to my Reply Declaration in which he characterized my Reply Declaration as improper and asserted that the Court must direct a briefing schedule (*see* Docket Entry 87).

To date, the Court has not indicated whether it agreed with my proposal that the motion for attorneys' fees should be decided based on the aforementioned filings, or with Mr. Blakeman's position that the Court must direct a briefing schedule. Prompted by my clients' requests for a report on the status of the fee motion, I am writing in the hope of gaining clarification as to whether the Court will be deciding the motion on the previously-filed papers or whether it intends to require the parties to make additional submissions.

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I appreciate the Court's attention to this matter. Please let me know if you require any additional information.

Respectfully submitted,



John J. Lynch

cc: Todd C. Rubenstein, Esq. *(via ECF)*  
Mr. Bradley A. Blakeman *(via email: bab@bblakeman.com, and first class mail)*